

TOWN COUNCIL – April 17, 2018
CONDITIONS OF APPROVAL

21 College Avenue
Conditional Use Permit Application U-18-004

Requesting approval for a restaurant with alcohol service (Nick's Raw Bar) on property zoned C-2:LHP. APN 529-29-052.

PROPERTY OWNER: Shari Flick.

APPLICANT: Nicholas Difu.

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. LAPSE FOR DISCONTINUANCE: If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year, the approval lapses pursuant to Section 29.20.340 of the Zoning Ordinance.
4. RESTAURANT USE: A restaurant use is permitted in the southernmost building on the property, known as 21 College Avenue.
5. ALCOHOLIC BEVERAGES: So long as this establishment serves alcoholic beverages, it shall be subject to the following:
 - a. Uniformed privately provided security guards may be required in or around the premises by the Chief of Police if alcohol related problems recur that are not resolved by the licensed owner.
 - b. At the discretion of the Chief of Police, periodic meetings will be conducted with representatives from the Police Department for on-going employee training on alcoholic beverage service to the general public.
 - c. This establishment shall use an employee training manual that addresses alcoholic beverage service consistent with standards of the California Restaurant Association.
 - d. The licensed operator shall have and shall actively promote a designated driver program such as complimentary non-alcoholic beverages for designated drivers.
 - e. Taxicab telephone numbers shall be posted in a visible location.
6. HOURS OF OPERATION: Maximum hours of operation are 11:30 a.m. to 11:00 p.m., Monday through Thursday; 11:30 a.m. to 12:30 a.m., Friday and Saturday; and 11:30 a.m. to 10:00 p.m. on Sunday.
7. NOISE SIGNAGE: The applicant shall erect and maintain signage in the private property areas adjacent to the building to notify patrons that noise must be kept to a minimum in consideration of the adjacent residential uses.

8. **OUTDOOR LIGHTING:** Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security. The lighting plan shall be reviewed during building plan check.
9. **SIGN PERMIT:** A Sign Permit from the Los Gatos Community Development Department must be obtained prior to any changes to existing signs or installation of new signs.
10. **BUSINESS LICENSE with CERTIFICATE OF USE AND OCCUPANCY:** A Business License with Certificate of Use and Occupancy must be obtained prior to commencement of use.
11. **ENVIRONMENTAL HEALTH APPROVAL:** The applicant shall submit plans to the County of Santa Clara Department of Environmental Health for review prior to commencement of use. The applicant shall provide a copy of the approval from the County of Santa Clara Department of Environmental Health with the Certificate of Use and Occupancy application.
12. **TOWN INDEMNITY:** Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.
13. **COMPLIANCE MEMORANDUM:** A memorandum, in compliance with standard Town practice, shall be prepared and submitted with the building permit detailing how the conditions of approval will be addressed.

Building Division

14. **PERMITS REQUIRED:** A Building Permit shall be required for all interior modifications and alterations to the existing commercial building as well as the change of use and occupancy classification.
15. **APPLICABLE CODES:** The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2017, are the 2016 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12.
16. **CONDITIONS OF APPROVAL:** The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
17. **PLANS:** The construction plans for this commercial building tenant improvement shall be prepared under the direct super vision of a California licensed Architect or Engineer.
18. **SIZE OF PLANS:** Submit four sets of construction plans, minimum size 24" x 36", maximum size 30" x 42".
19. **BUILDING & SUITE NUMBERS:** Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
20. **DEMOLITION REQUIREMENTS:** Obtain Building Department Demolition Applications and Bay Area Air Quality Management District Applications from the Building Department Service Counter. Once the Demolition Forms have been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected,

return the completed Forms to the Building Department Service Counter with the Air District's J# Certificate(s), PG&E verification, and three (3) sets of Site Plans showing all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a Permit from the Town.

21. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e. directly printed, onto a plan sheet.
22. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
23. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
24. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov/building.
25. BLUE PRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at ARC Blue Print for a fee or online at www.losgatosca.gov/building.
26. DEPARTMENT OF ENVIRONMENTAL HEALTH CLEARANCE: Please provide evidence of approval from Santa Clara County Environmental Health Department for the proposed scope of work for this food sales facility. Evidence shall be in the form of stamped "approved" plans and/or letter from the County Environmental Health Department indicating their approval of the proposed project stating that this facility does or does not require a permit to operate.
27. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
 - a. Community Development – Planning Division: (408) 354-6874
 - b. Engineering/Parks & Public Works Department: (408) 399-5771
 - c. Santa Clara County Fire Department: (408) 378-4010
 - d. West Valley Sanitation District: (408) 378-2407
 - e. Santa Clara County Environmental Health Department: (408) 918-3400
 - f. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS & PUBLIC WORKS:

Engineering Division

30. GENERAL: All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related construction debris at the end of the day. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner, Applicant or Contractor's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Applicant/Owner's expense.
31. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
32. CHANGE OF OCCUPANCY: Prior to initial occupancy and any subsequent change in use or occupancy of any non-residential condominium space, the buyer or the new or existing occupant shall apply to the Community Development Department and obtain approval for use determination and building permit and obtain inspection approval for any necessary work to establish the use and/or occupancy consistent with that intended.
33. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
34. PLANS AND STUDIES: Any post-project traffic or parking counts, or other studies imposed by the Planning Commission or Town Council shall be funded by the Applicant.
35. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-of-way will only be allowed if it does not cause access or safety problems as determined by the Town.
36. CONSTRUCTION HOURS: All construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner, Applicant, Contractor or their representative shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
37. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
38. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or

persons authorized to do so at all times during working hours. The Owner, Applicant, or Contractor's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Applicant's expense.

39. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

40. At time of building permit, the Santa Clara County Fire Department will review exiting, seating plans, food preparation, and fire protection as may be required for the occupancy classification proposed.

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